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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 **KUN SHAN PENG,**

14 Petitioner,

15 v.

16 **JAMES TILTON, Director of the California**
17 **Department of Corrections; BEN CURRY,**
18 **Warden,**

19 Respondent.

C 07-4797 MMC (PR)

**DECLARATION OF COUNSEL IN
SUPPORT OF APPLICATION FOR
EXTENSION OF TIME TO FILE
RESPONSE**

20 I, Arthur P. Beever, declare under penalty of perjury as follows:

21 1. I am a Deputy Attorney General for the State of California and am assigned to
22 represent respondent in this habeas corpus case.

23 2. On April 10, 2008, this Court issued an Order to Show Cause why the petition for a
24 writ of habeas corpus should not be granted. The California Attorney General's Office in San
25 Francisco docketed the order on April 18, 2008. I have received one prior extension of time for a
26 total of 60 days.

27 3. I have reviewed the petition and obtained copies of portions of the state court record.
28 However, I am presently unable to begin working on this case because I am preparing the response

1 in *Smith v. Runnels* (C 05-3822). In the past 60 days, I filed Answers in the previously assigned
2 cases of *Lowe v. Walker* (C 08-005), *Nawabi v. Hartely* (C 08-1258), and *Washington v. Adams* (C
3 06-4802). After I complete the Answer in *Smith v. Runnels*, I must prepare the respondent's brief
4 in *Gaines v. Scribner* (9th Cir. No. 07-17279). After I have completed those cases, will devote
5 substantially all of my time to working on this case.

6 4. I have not attempted to contact petitioner because he is an incarcerated state prisoner
7 who is representing himself in this case.

8 5. Accordingly, I respectfully request that this Court grant an extension of time to and
9 including November 6, 2008, in which to file a response to the order to show cause.

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11 Dated: September 8, 2008

12 Respectfully submitted,

13 EDMUND G. BROWN JR.
Attorney General of the State of California

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18
19 /s/ Arthur P. Beever
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